

**PLANNING COMMISSION AGENDA**  
**CITY OF NEWPORT BEACH**  
**COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD**  
**Thursday, June 7, 2012**  
**Regular Meeting – 6:30 p.m.**

**MICHAEL TOERGE**  
Chair

**BRADLEY HILLGREN**  
Vice Chair

**FRED AMERI**  
Secretary

**TIM BROWN**  
**KORY KRAMER**  
**JAY MYERS**  
**LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

**KIMBERLY BRANDT, Community Development Director**

**BRENDA WISNESKI, Deputy Community  
Development Director**

**LEONIE MULVIHILL, Assistant City Attorney    TONY BRINE, City Traffic Engineer**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes, and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA**  
**Council Chambers – 3300 Newport Boulevard**  
**Thursday, June 7, 2012**  
**REGULAR MEETING**  
**6:30 p.m.**

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.*

**E. REQUEST FOR CONTINUANCES**

**F. CONSENT ITEMS**

**ITEM NO. 1** Minutes of May 17, 2012

**RECOMMENDED ACTION:** Approve and file.

**G. PUBLIC HEARING ITEMS**

**ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE (3) MINUTES ON ALL ITEMS.** (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

**ITEM NO. 2** Cornerstone Securities Residential Addition (PA2012-027)  
**SITE LOCATION:** 245 Evening Canyon Road

**SUMMARY:** A request for a variance to allow a 2,000-square-foot addition to an existing 2,757-square-foot nonconforming single-family residence. The structure is nonconforming because the existing residence encroaches between seven and 11 inches into the required 6-foot southwesterly side yard setback. A variance is requested to allow a 73 percent addition and a second floor addition that would project into the southerly side yard setback, in-line with the existing nonconforming residence.

The public notice included a request for a modification permit to allow two garage parking spaces and two driveway parking spaces where three garage spaces are required because the proposed gross floor area exceeds 4,000 square feet. However, this request has been withdrawn by the applicant and the plans have been modified to include three enclosed parking spaces, which complies with the Zoning Code parking requirement.

**CEQA COMPLIANCE:** The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – New Construction or Conversion of Small Structures).

The Class 3 exemption includes the construction of one single-family residence. The proposed development involves an addition to an existing single-family residence. Therefore, the proposed project qualifies for an exemption under Class 3.

<b>RECOMMENDED ACTION:</b>	<ol style="list-style-type: none"> <li>1) Conduct public hearing; and</li> <li>2) Adopt Resolution No. ____ approving Variance Permit No. VA2012-001</li> </ol>
<b>ITEM NO. 3 SITE LOCATION:</b>	Coast Business Center Sign Program (PA2012-010) 2121 East Coast Highway
<b>SUMMARY:</b>	An appeal of the Zoning Administrator's decision to approve Modification Permit No. MD2012-004 and to amend Comprehensive Sign Program No. CS2007-002. Approval of the project would allow the addition of two signs on the southeast (Avocado Avenue) elevation of the building located at 2121 East Coast Highway that cumulatively (60 square feet) exceed the maximum sign area for secondary frontage signs (37.5 square feet).
<b>CEQA COMPLIANCE:</b>	<p>The project qualifies for Class 11 (Accessory Structures) categorical exemption, Section 15311 of the California Environmental Quality Act. This class exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.</p> <p>If the Planning Commission reverses the Zoning Administrators approval, Section 15270 of the California Environmental Quality Act (CEQA) Guidelines indicates that projects which a public agency rejects or disapproves are not subject to CEQA review.</p>
<b>RECOMMENDED ACTION:</b>	<ol style="list-style-type: none"> <li>1) Conduct public hearing; and</li> <li>2) Uphold or reverse the decision of the Zoning Administrator and adopt Resolution No. ____ for Modification Permit No. MD2012-004 and to amend Comprehensive Sign Program No. CS2007-002.</li> </ol>
<b>ITEM NO. 4 SITE LOCATION:</b>	Airport Area PC Amendment (PA2011-215) Amendment affects all properties designated for mixed-use development within an area bounded by MacArthur Boulevard, Jamboree Road, Birch Street, and Bristol Street North.
<b>SUMMARY:</b>	Amendment to the Newport Place Planned Community Development Plan (PC-11) to implement Housing Programs 3.2.2 and 3.2.3 found in the 2008-2014 Housing Element. The amendment would permit residential development that includes a minimum of 30 percent of the units affordable to lower-income households with the approval of a Site Development Review. Developments meeting this criteria will also be eligible for a waiver of the minimum 10-acre site area required. The amendment would also establish minimum development regulations including building height, setbacks, and parking requirements.
<b>CEQA COMPLIANCE:</b>	A Negative Declaration (SCH No. 2011091088) was prepared for the 2008-2014 Housing Element, which includes Housing Programs HP3.2.2 and 3.2.3, in accordance with the implementing guidelines of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Council Policy K-3. The document was made available for public review and comment during a 30-day review period from September 30 to October 31, 2011 and subsequently adopted by the City Council on November 22, 2011. The document is on file with the Community Development Department. A subsequent negative declaration for the project is not required to be prepared pursuant to CEQA Guidelines Section 15162 because the proposed amendment implements Housing Programs HP3.2.2 and 3.2.3, and does not constitute "substantial changes" that would involve new significant environmental effects or result in the adoption of mitigation measures. Future residential development that could occur pursuant to the proposed amendment would be subject to further site-specific environmental evaluations.
<b>RECOMMENDED ACTION:</b>	<ol style="list-style-type: none"> <li>1) Conduct public hearing; and</li> <li>2) Adopt the draft resolution recommending City Council adoption of the Newport Place Planned Community Development Plan Amendment</li> </ol>

## **H. NEW BUSINESS**

**ITEM NO. 5** Mariner's Pointe (PA2010-114)  
**SITE LOCATION:** 100 – 300 West Coast Highway

**SUMMARY:** On August 9, 2011, the City Council approved the Mariner's Pointe project, a 19,905-square-foot commercial building and a three-level parking structure. As a condition of project approval, the applicant is required to submit final architectural and landscaping plans for review and approval by the Planning Commission. The applicant is also requesting review of proposed revisions to the building design, which include minor increases in height to various tower elements of the parking structure and the addition and expansion of rooftop mechanical equipment enclosures

**CEQA COMPLIANCE:** The environmental impacts of the project as a whole were analyzed under the Mitigated Negative Declaration (MND) that was adopted for the project by the City Council on August 9, 2011. The MND was prepared in accordance with the implementing guidelines of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3. With mitigation measures and standard conditions of approval indicated in the Initial Study and set forth in the Mitigation Monitoring and Reporting Program included with the MND, all potential impacts would be mitigated to a less than significant level. The changes to the project are minor in nature and do not constitute substantial changes to the project that would involve new significant environmental effects or result in additional mitigation measures.

**RECOMMENDED ACTION:**

- 1) Conduct public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ approving the final architectural and landscaping plans for the project, and find the changes in the design to be in substantial conformance with the project design approved by Site Development Review No. SR2010-001 and Conditional Use Permit No. UP2010-024.

**ITEM NO. 6** Review of Preliminary Fiscal Year 2012-2013 Capital Improvement Program (PA2007-131)  
**SITE LOCATION:** N/A

**SUMMARY:** Review of the City's Capital Improvement Program (CIP) is required by the City Charter and State Statute. The purpose of the review is to determine consistency with the General Plan and to make recommendations to the City Council concerning proposed public works projects. A draft of the 2012-2013 CIP was presented to the Planning Commission on May 3, 2012. The Commission had specific questions about the details of several projects. The discussion was continued to June 7, 2012.

**CEQA COMPLIANCE:** Determination of General Plan consistency is not considered a "project" as defined by the California Environmental Quality Act (CEQA) in that this action has no potential to result in a direct or indirect physical change to the environment and subsequent environmental review of each project will be conducted at the appropriate time in accordance with CEQA.

**RECOMMENDED ACTION:**

- 1) Complete the review of the Preliminary Fiscal Year 2012-2013 Capital Improvement Program; and
- 2) Determine that the CIP projects are consistent with the policies of the General Plan and report this finding to the City Council. Provide additional recommendations to the City Council as deemed appropriate.

## **I. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 7** Community Development Director's report.

**ITEM NO. 8** Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

**ITEM NO. 9** Request for excused absences.

## **ADJOURNMENT**